

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLES LEE LEWIS,
Plaintiff,

Civil Action No.: 3:21-CV-941

v.

JP MORGAN CHASE BANK
NATIONAL ASSOCIATION D/B/A
CHASE BANK,

NOTICE OF REMOVAL

Defendant.

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION

Defendant-Petitioner, **JP MORGAN CHASE BANK, NATIONAL ASSOCIATION
D/B/A CHASE BANK**, files this notice to remove the foregoing case to the United States District
Court for the Northern District of Texas, Dallas Division, and respectfully show this Court:

1. A civil action was commenced in the 101st Judicial District Court of Dallas County, Texas, in which the above-named individual, Charles Lee Lewis, is the Plaintiff and the Petitioner, JP MORGAN CHASE BANK, NATIONAL ASSOCIATION D/B/A CHASE BANK is the Defendant. The action is entitled *Charles Lee Lewis v. JP Morgan Chase Bank National Association d/b/a Chase Bank*, and bears Cause Number DC-21-03438. As the action is venued in Dallas County, Texas, removal to the United States District Court for the Northern District of Texas, Dallas Division, is proper.

2. The above action was commenced against Defendant-Petitioner on or about March 16, 2021 [*see a copy of Plaintiff's Original Petition and Jury Demand, annexed as Exhibit "A"*]. In sum, this civil action arises from an incident that allegedly occurred on March 16, 2021 when

Plaintiff tripped and fell at a Chase Bank located at 1522 W. Pleasant Run Rd., Lancaster, Dallas County, Texas 75146 [see Exhibit A, para. 9]. Plaintiff seeks monetary relief between \$250,000 and \$1,000,000 [see Exhibit A, para. 1]. Accordingly, the amount in controversy in this suit is in excess, exclusive of interest and costs, of \$75,000.00.

3. This action is one of which the District Courts of the United States have original jurisdiction under 28U.S.C. § 1332 and 28U.S.C. § 1441. There is diversity of citizenship between Plaintiff and Defendant-Petitioner.

4. Pursuant to Plaintiff's Original Petition, he resides in Dallas County, Texas [see Exhibit A, para. 2].

5. Defendant, JP Morgan Chase Bank National Association d/b/a Chase Bank, is now and was at the time said action was commenced, a national bank and citizen of the State of Ohio, County of Delaware, by virtue of having designated Columbus, Ohio as its main office in its Articles of Association. See *One West Bank, N.A. v. Melina*, 827F.3d 214,219(2d Cir.2016) (holding that a national bank is a citizen only of the state listed in its articles of association as its main office) and *Pettit v. United States N.A.*, 2017 U.S. Dist. LEXIS 107815 (N.D.Tex.2017).

6. As Plaintiff was a resident and domiciliary of the State of Texas at the time the original petition was filed, and JP Morgan Chase Bank National Association d/b/a Chase Bank was a citizen of the State of Ohio, complete diversity exists and removal is proper since upon information and belief, no other forum defendant has been served.

7. A defendant may remove a civil case brought in state court to the federal district court in which the case could have been brought. See 28 U.S.C. § 1441(a).

8. Written filing of this motion will be given to Plaintiff promptly after the filing of this motion, as is required by law.

9. This motion is timely made pursuant to 28U.S.C. § 1446(b)(1).

10. By filing this Notice of Removal, Defendant-Petitioner does not waive any defense which may be available to it.

WHEREFORE, Defendant-Petitioner prays that this action proceed in this Court as an action properly removed thereto.

Respectfully submitted,

By: /s/ Valerie A. Mosman

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to all counsel of record in accordance with the Texas Rules of Civil Procedure on the 26th day of April 2021.

/s/ Valerie A. Mosman

Valerie A. Mosman